

January 27, 2005

ENERGY & ENVIRONMENT
COMMITTEE
REPORT NO. 1

ALL MEMBERS PRESENT EXCEPT LEGISLATOR CHASE.

1. RESOLVED, that the following items are hereby received and filed.

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|----|---|------|-------|----------------|
| | Item | Page | -2004 | (Intro. 4-25) |
| a. | HOLT, SCHROEDER, SMITH, DUSZA & WROBLEWSKI: ECWA & The Buffalo Water Board/Buffalo Water Authority.
(4-0) Legislator Chase absent. | | | |
| | Item | Page | -2004 | (Comm. 7D-2) |
| b. | DEP: Buffalo River Walleye Management Project – A Plan for Restoration.
(4-0) Legislator Chase absent. | | | |
| | Item | Page | -2004 | (Comm. 17M-2) |
| c. | NYSDOH: Health Consultation – Former NL Industries Site – Off-Site Residential Properties, Village of Depew.
(4-0) Legislator Chase absent. | | | |
| | Item | Page | -2004 | (Comm. 17M-6) |
| d. | ECWA: MOU – Agreement Between City of Buffalo & Erie County for Water Services.
(4-0) Legislator Chase absent. | | | |
| | Item | Page | -2004 | (Intro. 19-14) |
| e. | DEBENEDETTI & DUSZA: Opposition to National Fuel Gas' Request for a Significant Rate Increase.
(4-0) Legislator Chase absent. | | | |
| | Item | Page | -2004 | (Comm. 19M-1) |
| f. | ECWA: MOU W/Buffalo Water Board.
(4-0) Legislator Chase absent. | | | |
| | Item | Page | -2004 | (Comm. 19M-25) |
| g. | LYNDA STEPHENS: Letter to Chairman Holt Re: ECWA Proposed Consolidation with Buffalo Water Authority.
(4-0) Legislator Chase absent. | | | |
| | Item | Page | -2004 | (Comm. 20E-19) |
| h. | HOLT & DUSZA: Letter to EC Environmental Management Council Re: Mandatory Pesticide Notification Act.
(4-0) Legislator Chase absent. | | | |

- i. Item Page -2004 (Comm. 21E-5)
DEBENEDETTI: Copy of Letter to NYS Comptroller Re: ECWA Audit.
(4-0) Legislator Chase absent.
- j. Item Page -2004 (Comm. 22E-35)
COUNTY EXECUTIVE: DEP – ECSD Nos. 1-6 & Southtowns Sewage Treatment Agency
– A/E Agreement for Construction Inspection Services.
(4-0) Legislator Chase absent.
- k. Item Page -2004 (Comm. 22D-8)
DEP: SEQR – Solicitation for Lead Agency Status – Hamilton Drive & the Bluffs.
(4-0) Legislator Chase absent.
- l. Item Page -2004 (Comm. 22M-1)
ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL: Evaluation &
Report Concerning Pesticide Neighbor Notification Law.
(4-0) Legislator Chase absent.
- m. Item Page -2004 (Comm. 23E-9)
COUNTY EXECUTIVE: ECSD Nos. 4 & 6 – Engineering Service Agreements –
Greenman – Pedersen – Comm. 18E-41, Change Order No. 1.
(4-0) Legislator Chase absent.
- n. Item Page -2004 (Comm. 23E - 10)
COUNTY EXECUTIVE: ECSD No. 2, 4 & 6 – Engineering Service Agreements – Comm.
18E-41 – URS Corporation.
(4-0) Legislator Chase absent.
- o. Item Page -2004 (Comm. 23D-6)
DEP: SEQR – Lead Agency Status – Contract 37, Didion & Brunck Roads Sanitary Sewer,
Town of Lancaster.
(4-0) Legislator Chase absent.
- p. Item Page -2004 (Comm. 25E-34)
COUNTY EXECUTIVE: ECSD Nos. 1-6 – User Charge Rates.
(4-0) Legislator Chase absent.
- q. Item Page -2004 (Comm. 25E-36)
COUNTY EXECUTIVE: ECSD No. 2 – Engineering Agreement Dated 8/29/02 – URS
Corporation – Change Order No. 2.
(4-0) Legislator Chase absent.
- r. Item Page -2004 (Comm. 25E-37)
COUNTY EXECUTIVE: ECSD No. 2 – Lake Street & Point Breeze Pumping Station
Forcemains – EC Highway Department – Bridge Replacement.
(4-0) Legislator Chase absent.

- s. Item Page -2004 (Comm. 25M-2)
NEW YORK POWER AUTHORITY: Lewiston Pump-Generating Plant-Plant Upgrade Feasibility Study.
(4-0) Legislator Chase absent.
- t. Item Page -2004 (Comm. 25M-10)
NYSDEC: Fact Sheet – Proposed Remedial Activities at Boone Park, City of Buffalo.
(4-0) Legislator Chase absent.
- u. Item Page -2004 (Comm. 26E-5)
COUNTY EXECUTIVE: ECSD No. 5 – Fox & Company – Buffalo – Amendment No. 2.
(4-0) Legislator Chase absent.
- v. Item Page -2004 (Comm. 26E-23)
COUNTY EXECUTIVE: EC/Southtowns Sewage Treatment Agency – Southtowns Sand Filters Project – Contract No. 1ST-G Change Order No. 1 – C.O. Falter Construction.
(4-0) Legislator Chase absent.
- w. Item Page -2004 (Comm. 26M-3)
TOWN OF AURORA: Certified Resolution Re: Authorization of Agreement with Erie County for Town’s Sanitary Sewer System.
(4-0) Legislator Chase absent.
- x. Item Page -2004 (Comm. 30E-36)
COUNTY EXECUTIVE: EC/Southtowns Sewage Treatment Agency – Southtowns Sand Filters Project – Contract No. 1ST-G Change Order No. 2 – C.O. Falter Construction.
(4-0) Legislator Chase absent.
- y. Item Page -2004 (Comm. 30D-8)
DEP: SEQR – Negative Declaration – Didion & Brunck Roads Sanitary Sewers.
(4-0) Legislator Chase absent.
- z. Item Page -2004 (Comm. 30D-12)
DEP: SEQR – Solicitation for Lead Agency Status – Extension of ECSD No. 3 to be known as the Village of Hamburg Extension.
(4-0) Legislator Chase absent.
- aa. Item Page -2004 (Comm. 30M-16)
NYS COMPTROLLER: Order of State Comptroller Re: Increase & Improvement of Facilities – ECSD No. 2.
(4-0) Legislator Chase absent.
- bb. Item Page -2004 (Comm. 1M-9)
NYS DEPT OF AGRICULTURE & MARKETS: Erie County Agricultural District Nos. 1 & 14.
(4-0) Legislator Chase absent.

Item Page -2004 (Comm. 2E-15)
cc. **COUNTY EXECUTIVE:** Semi-Annual Attendance Records – Board of Managers -
ECSDs.
(4-0) Legislator Chase absent.

2. Item Page -2004 **AS AMENDED**
COUNTY EXECUTIVE
RESOLUTION NO. _____.
(Comm. 23E-23)

RESOLUTION DATED ____, 2005

RESOLUTION APPROVING THE EXTENSION OF ERIE COUNTY
SEWER DISTRICT NO. 3 AND MAKING OTHER
DETERMINATIONS IN CONNECTION THEREWITH

(Introduced) ____, 2005.

(Adopted) ____, 2005.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated September 15, 2004 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated September 15, 2004, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No. 3 because such extension is not to be financed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the County; and

WHEREAS, said County Legislature duly adopted Resolution No. 470 on the 4th day of November, 2004, calling a meeting of the County Legislature for the purpose of holding a public hearing on the aforesaid extension of Erie County Sewer District No. 3 in accordance with the aforesaid map and plan, and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have given due consideration to the impact that the extension of Erie County Sewer District No. 3 may have on the environment and on the basis of such consideration, have found that no substantial adverse environmental impact will be caused thereby; and

WHEREAS, the Erie County Sewer District No. 3 Board of Managers and the County Legislature have complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters including compliance with the New York State Environmental Quality Review Act, comprising Article 8 of the Environmental Conservation Law and, in connection therewith; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, Buffalo, New York, in said County, on the 16th day of December, 2004, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published in the manner provided by law and proof thereof was submitted to said County Legislature; and

WHEREAS, said County Legislature has duly considered the evidence given at such public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the public hearing held on December 16, 2004, and after due consideration of the map and plan, and other recommendations and other data, if any, heretofore provided to the County Legislature, it is hereby found and determined that:

- (a) the proposed extension is satisfactory, sufficient, adequate and appropriate;
- (b) all the property and property owners within the proposed extension are benefited thereby;
- (c) all the property and property owners benefited are included within the limits of the proposed extension;
- (d) it is in the public interest to extend said Erie County Sewer District No. 3.

Section 2. The extension of Erie County Sewer District No. 3 is hereby approved and said extension shall comprise an area described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being in parts of Lots Nos. 50 and 51, Township 9, Range 7, and Lots Nos. 2, 3, 10, 11, 12, 19 and 20, Township 9, Range 8 of the Holland Land Company's Survey, more particularly bounded and described as follows:

BEGINNING at a point on the north line of Lot No. 3, Township 9, Range 8 of the Holland Land Company's Survey, sixteen hundred twenty-one (1621) feet west from the west line of South Park Avenue and on the east line of the former Hamburg Railway right-of-way; thence southerly along said east line of right-of-way, fourteen hundred sixty-eight and twenty-three hundredths (1468.23) feet to the center of North Street; thence westerly seventeen hundred eighty-six and thirty-four hundredths (786.34) feet, on a line parallel with and one hundred fifty (150) feet north of the north line of Norwood Avenue and said line extended easterly, to the center of Camp Road, formerly known as Lake Street, at its intersection with the southerly line of land formerly owned by Russell Harrington which line is the northerly line of the Village of Hamburg, which said line is also the north line of Hamburg Addition; thence northeasterly along the center of said street, one hundred fifty (150) feet; thence westerly parallel with the north line of said village, one hundred thirteen and eighty-nine hundredths (113.89) feet to easterly line of land of Erie Railroad; thence southwesterly along said southeasterly line of railroad, three hundred seventy-one and seven tenths (371.7) feet; thence westerly, on a line about two hundred sixty (260) feet north of the north line of Church Street, seven hundred ninety-six and two tenths (796.2) feet; thence southwesterly, at an angle of thirty-five degrees three minutes (35° 03'), from west to south, to the east line of premises conveyed to Lee by Deed recorded in the Erie County Clerk's Office in Liber 6679 of Deeds at page 297; thence northerly along the east line of Subdivision Lot No. 1 as shown on a map filed in the Erie County Clerk's Office under Cover No. 2126 of Maps, a distance of twenty-five (25) feet to the northeast corner of said Subdivision Lot No. 1; thence continuing northerly along the east line of said subdivision shown on a map filed in the Erie County Clerk's Office under Cover No. 2126 of Maps, and along the east line of premises conveyed to Chester J. Hosjan by Deed recorded in the Erie County Clerk's Office in Liber 7413 of Deeds at page 55, and along the east line of premises conveyed to Hamburg Congress of Jehovah's Witnesses, a total distance of one thousand eight hundred forty-five (1845) feet to a point on the north line of said Lot No. 11; thence easterly along the north line of said Lot No. 11 a distance of one thousand eighty and twenty-four hundredths (1080.24) feet to the southeast corner of Subdivision Lot No. 113 as shown on a map filed in the Erie County Clerk's Office under Cover No. 1401 of Maps; thence northerly along the east line of said Subdivision Lot No. 113 and said east line extended northerly along the east line of Subdivision Lot No. 25 and said east line extended northerly along the east line of Subdivision Lot No. 213 and said east line extended northerly, along the east line Subdivision Lot No. 208 and said east line extended northerly to a point on the north line of Subdivision Lot No. 202, all as shown on said map filed in the Erie County Clerk's Office under Cover No. 1401 of Maps; thence easterly along the north line of said Subdivision Lot No. 202 and said north line extended easterly along the north line of Subdivision Lots Nos. 180 and 179 and the north line of said Subdivision Lot No. 179 extended easterly and the north line of Subdivision Lot No. 146 and the north line of said Subdivision Lot No. 146 extended easterly to a point on the southwest line of Camp Road, State Highway No. 1067; thence northwesterly along the southwest line of Camp Road, State Highway No. 1067, to the south-line of premises conveyed to James B. McCloskey by Deed recorded in the Erie County Clerk's Office in Liber 2351 of Deeds at page 498; thence westerly along said south line of premises conveyed to McCloskey to the southwest

corner of premises conveyed to Camp Road, Inc. by Deed recorded in the Erie County Clerk's Office in Liber 6155 of Deeds at page 484; thence north six degrees thirty-seven minutes seventeen seconds (6 37'17") west a distance of four hundred twenty-three and seven tenths (423.7) feet to a point; thence north thirty-six degrees thirty-eight minutes eighteen seconds (36 38'18") east a distance of one hundred sixty (160) feet to a point on the southwest line of Camp Road where said line is intersected by the northwest line of premises conveyed to Borst by Deed recorded in the Erie County Clerk's Office in Liber 6031 of Deeds at page 402; thence northwesterly along the southwest line of said Camp Road to a point on the existing line of the Village of Hamburg established March 28, 1966 at the intersection with the west line of Sunset Drive extended northerly; thence continued northwesterly along said southwesterly line of the Athol Springs-Hamburg State Highway No. 1067, County of Erie, six hundred eighty-three and eighty-five hundredths (683.85) feet to the extension northeasterly of the northerly line of lands conveyed to William Reith by Deed recorded in the Erie County Clerk's Office in Liber 3411 of Deeds at page 164 on July 22, 1943; thence southwesterly along said extended northerly line and said northerly line of Reith as aforesaid, which line is the southerly line of lands of Edward Pauly, a total distance of sixty-six and twenty-two hundredths (66.22) feet to a point on the southwest line of Camp Road, said point being three hundred seventy-five and ninety hundredths (375.90) feet southeast of the southerly line of the New York State Thruway, thence northwest along the southwest line of Camp Road twenty-seven and eighty-five hundredths (27.85) feet to the south line of the Niagara Mohawk Power Corporation, thence south sixty-two degrees six minutes fifty-nine seconds (62 06'59") west along the said south line of the Niagara Mohawk Power Corporation a distance one thousand nine hundred sixty-nine and seventy-six hundredths (1,969.76) feet to a point, thence north eighty-nine degrees forty-three minutes fifty-six seconds (89 43'56") west a distance five hundred forty-eight and ninety-nine hundredths (548.99) feet to the southeasterly line of the New York State Thruway; thence southwesterly along the southeasterly line of the New York State Thruway, fourteen hundred and eighty-seven hundredths (1400.87) feet to the westerly line of lands conveyed to Parkway Investors, Inc. by Deed recorded in the Erie County Clerk's Office on June 25, 1957 in Liber 6181 of Deeds at page 431; thence southerly along said Parkway Investors, Inc. west line, seventeen hundred forty-one (1741) feet to an angle point in said westerly line; thence continuing southwesterly along the westerly line of lands conveyed to Parkway Investors, Inc. by Deed recorded in the Erie County Clerk's Office on June 25, 1957 in Liber 6181 of Deeds at page 431, one hundred seventy-one and forty-three hundredths (171.43) feet to a point in the center line of the Cooper Ridge Road, running thence southeasterly along the center line of Cooper Ridge Road; thirty-nine and fifty-nine (39.59) feet to an angle in said center line; running thence southeasterly and continuing along said center line; two hundred twenty-nine and eleven hundredths (229.11) feet to an angle in said center line, running thence southeasterly and continuing along said center line, seventy-four and ninety-one hundredths (74.91) feet to a point, running thence northeasterly, one thousand nineteen and fifty-three hundredths (1,019.53) feet to a point in the east line of Lot No. 20 distant three hundred twelve and twenty hundredths (312.20) feet northerly from the southeast corner of Lot No. 20; thence south on the east line of Lot No. 20, three hundred twelve and twenty hundredths (312.20) feet to the southeast corner of Lot No. 20 (the southwest corner of Lot No. 12); thence easterly along the south line of Lot No. 12, seven hundred ten and eighty-two hundredths (710.82) feet to a point, said point being the northwest corner of lands conveyed to Bertha Breuss and one by Deed recorded in the Erie County Clerk's Office in Liber 4870 of Deeds at page 175, thence southerly along the east line of lands conveyed to Breuss, as aforesaid, one thousand seventy three and twenty-two hundredths (1,073.22) feet to a point; thence easterly and parallel with the north line of Lot No. 11, four hundred four and two tenths, (404.2)

feet to the westerly line of lands conveyed to Eugene J. Fox and wife by Deed recorded in the Erie County Clerk's Office in Liber 3519 of Deeds at page 40; thence southerly along the west line of lands conveyed to Eugene J. Fox as aforesaid, six hundred thirty-six and sixty-eight hundredths (636.68) feet to a point on the centerline of Cooper Ridge Road also known as Pleasant Avenue; thence easterly along the aforementioned center line ninety-four (94) feet; thence northerly on a line parallel with the west line of lands conveyed to Albert Straight by Deed recorded May 29, 1950 in the Erie County Clerk's Office in Liber 4715 of Deeds at page 297, two hundred fifty (250) feet; thence east and parallel with the center line of Pleasant Avenue eighty-five (85) feet to a point in the west line of lands conveyed to Albert Straight by Deed aforesaid; thence north and along the west line of lands conveyed to Albert Straight by Deed aforesaid, one thousand sixteen and two tenths (1016.2) feet, thence easterly one hundred seven and fifty-one hundredths (107.51) feet to a point; thence north four hundred fifty (450) feet to a point on the south line of Lot No. 12, said point being eight hundred ninety-three and eighty-nine hundredths (893.89) feet west of the northwest corner of lands conveyed to Russell Trippi by Deed recorded in the Erie County Clerk's Office on September 1, 1950, in Liber 4778 of Deeds at page 421; thence easterly along the south line of Lot No. 12, eight hundred ninety-three and eighty-nine hundredths (893.89) feet to the northwest corner of lands conveyed to Russell Trippi by Deed as aforesaid; thence southerly parallel to the east line of Lot No. 11, eighteen hundred twenty-three and sixteen hundredths (1823.16) feet to the center line of Cooper Ridge Road, also known as Pleasant Avenue, running thence northwesterly along the center line of Pleasant Avenue, thirty and ninety-one hundredths (30.91) feet to the extension northerly of the easterly line of Lenora Drive; running thence southerly along the extension northerly of the easterly line of Lenora Drive twenty-six and twenty-seven hundredths (26.27) feet to the southerly line of Pleasant Avenue; running westerly along the southerly line of Pleasant Avenue a distance of sixty (60) feet to the westerly line of Lenora Drive; running thence northerly along the extension northerly of the westerly line of Lenora Drive, twenty-six and twenty-seven hundredths (26.27) feet to the center line of Pleasant Avenue; running thence northwesterly along the center line of Pleasant Avenue, one hundred ten and sixteen hundredths (110.16) feet to the extension northerly of the westerly line of Subdivision Lot No. 1, Cover No. 1858; running thence southerly along the said westerly line of Subdivision Lot No. 1 as extended and the said westerly line of Subdivision Lot No. 1, two hundred twelve and twelve hundredths (212.12) feet to the northerly line of Subdivision Lot No. 2, Cover No. 1858; running thence westerly along the said northerly line of Subdivision Lot No. 2, Cover No. 1858, one hundred (100) feet to the west line of Uebelhack; thence southerly along the westerly line of Uebelhack a distance of one thousand four hundred thirteen and eighty-six hundredths (1413.86) feet to the northerly line of Westview Avenue fifty (50) feet wide as shown under Cover No. 1858, extended westerly to the intersect said westerly line of lands conveyed to Uebelhack and his wife by Deed recorded in the Erie County Clerk's Office in Liber 1595, of Deeds at page 470; thence easterly along said northerly line of Westview Avenue as extended westerly three hundred five and four hundredths (305.04) feet to the easterly line of Lenora Drive; thence northerly along the easterly line of Lenora Drive a distance of one hundred twenty-six and eight tenths (126.8) feet; thence easterly at an angle with the last described line measured from the north to the east of ninety degrees, forty-eight minutes (90 48') a distance of three hundred forty-eight and fifty-two hundredths (348.52) feet to the west line of Milford Street; thence south along the west line of Milford Street, one hundred twenty-six and fifty-five hundredths (126.55) feet to the north line of Westview Avenue; thence east sixty (60) feet to the east line of Milford Street; thence north along the east line of Milford Street, one hundred twenty-six and five tenths (126.5) feet; thence east along the north line of Westview Subdivision and the present Village line, approximately six hundred

seventy-seven (677) feet, to the Village line established in May 1874; thence south along said line about eleven hundred twenty-three (1123) feet to the easterly line of the Erie Railroad; thence southwesterly along the southeasterly line of said railroad, approximately twenty-one hundred eighty-seven (2187) feet, to the southwesterly line of property formerly owned by John C. Trefts; thence southeasterly, by various courses approximately nine hundred ninety-six (996) feet, to the center of Pierce Avenue; thence northeasterly along the center of Pierce Avenue, thirty-eight (38) feet to the northwest corner of Edward Renschler's property; thence southeasterly along said Renschler's northeasterly line and part of the southwesterly line of Rosedale Avenue, and said line extended six hundred sixty-three (663) feet to the north line of Henry J. Turner; thence east along Turner's north line about seven hundred eighty (780) feet to Eighteen Mile Creek; thence northeasterly up Eighteen Mile Creek approximately twenty-one hundred fifty-eight (2158) feet to the original south line of the Village; thence east along said south line about thirty-nine hundred twenty-two (3922) feet to the original east line of the Village; thence north along said east line approximately one thousand eight hundred fifty-seven and three tenths (1857.3) feet, to the northwest line of Newton Road; thence northeasterly along said northwesterly line of Newton Road approximately ninety-five and eighty-six hundredths (95.86) feet, to the southwest corner of subplot 97 as shown on a subdivision map of Grandview addition filed under Map Cover No. 1243; thence northerly along the west line of said subplot 97 two hundred six and sixty hundredths (206.60) feet to the south line of subplot 99, Cover 1243; thence continuing northerly along the west line extended of said subplot 97 twenty-five (25) feet; thence easterly at right angles approximately forty-eight and eighty hundredths (48.80) feet to the northerly extension of the east line of said subplot 97; thence northerly along said east line extended of said subplot 97 approximately seventy-four and ninety hundredths (74.90) feet to the southwesterly line of the right-of-way formerly owned by the Buffalo and Susquehanna Railway Company, thence southeasterly along said right-of-way line to the southwest corner of lands conveyed by Adaline B. Higgins, formerly Adaline Ovenburg, to Lillian H. Greanoff by Deed recorded in the Erie County Clerk's Office in Liber 5200 of Deeds at page 551; thence running northerly along the westerly line of said lands conveyed by Adaline B. Higgins, a distance of sixty-six (66) feet to the northeasterly line of said Buffalo and Susquehanna Railway Company; thence southeasterly along the said Railway Company's northeasterly line, being also the southwesterly line of lands known as subplot 38 and Newton Place as shown on Cover Map No. 1392 filed in the Erie County Clerk's Office, to its intersection with the northwesterly line of Newton Road; thence northeasterly along the said northwesterly line of Newton Road to the northeast line of said Newton Place; thence northwesterly along the northeasterly line of Newton Place, being also the southwesterly line of sublots 43 and 44 as shown on said Cover Map No. 1392 to the southwest corner of said subplot No. 43; thence northerly along the west line of said subplot 43, a distance of one hundred eighty-eight and eighteen hundredths (188.18) feet to a point on the south line of Lot No. 51, Township 9, Range 7; thence easterly along said south line of Lot 51 a distance of approximately five hundred fourteen and four tenths (514.4) feet; thence north, parallel with and two hundred forty-two (242) feet west from the center of McKinley Parkway; two hundred eight (208) feet; thence east two hundred forty-two (242) feet to the east line of Lot 51, Township 9, Range 7, being also the center of McKinley Parkway; thence northerly along the east line of said Lot 51, and along the center of McKinley Parkway a distance of three hundred fourteen and four tenths (314.4) feet to a point, thence westerly at an interior angle of ninety degrees, sixteen minutes (90 16'), a distance twenty-eight (28) feet; thence north parallel with the east line of Lot No. 51 and twenty-eight (28) feet west therefrom two thousand one hundred nineteen and three tenths (2119.3) feet; thence westerly a distance of five (5) feet to the westerly line of McKinley Parkway; thence northerly along

the westerly line of McKinley Parkway three hundred (300) feet to a point; thence easterly at an angle of ninety degrees twenty minutes (90 20') a distance of thirty-three (33) feet to the center line of McKinley Parkway, said center line being the east line of Lot No. 51 Township 9, Range 7; thence northerly along said easterly line of Lot No. 51, a distance of nine hundred three and four hundredths (903.04) feet, to the southerly line of lands conveyed to Corthell Towles and recorded in the Erie County Clerk's Office in Liber 4528 of Deeds at page 126; thence westerly along the southerly line of Corthell Towles and the southerly line of lands conveyed to John M. Towles, Jr. and Corthell Towles and recorded in the Erie County Clerk's Office in Liber 3711 of Deeds at page 73, and along the southerly line of lands conveyed to John M. Towles, Jr. and Corthell Towles and recorded in the Erie County Clerk's Office in Liber 5009 of Deeds at page 542, a distance of twenty-eight (28) feet to a point which is five (5) feet east of the west line of McKinley Parkway; thence northerly and parallel with the center line of McKinley Parkway a distance of one thousand sixteen (1016) feet to a point, which point is five (5) feet north of the south line of Clark Street; thence southwesterly and parallel with the center line of Clark Street, a distance of approximately two thousand one hundred eighty-seven twenty-five hundredths (2187.25) feet to a point; thence northwesterly a distance of sixty-one (61) feet to the northwesterly line of Clark Street; thence southwesterly along the northwesterly line of Clark Street a distance of eight hundred seventy-seven and ninety-seven hundredths (877.97) feet to the intersection of the northwesterly line of Clark Street and the east line of lands conveyed to the Buffalo and Susquehanna Railroad Company by Deed recorded in the Erie County Clerk's Office in Liber 980 of Deeds at page 608; thence northerly along the east line of said lands conveyed to the Buffalo and Susquehanna Railroad Company a distance of one hundred ninety-seven and thirty-two hundredths (197.32) feet to a point; thence southeasterly at an exterior angle of forty degrees fifty-three minutes (40 53') a distance of fifteen and twenty-eight hundredths (15.28) feet to a point; thence north at an interior angle of forty degrees fifty-three minutes (40 53') along a line parallel to and ten (10) feet distance from the easterly right-of-way line of the said Buffalo and Susquehanna Railroad a distance of two hundred sixteen and ninety-eight hundredths (216.98) feet to a point; thence westerly at an interior angle of ninety degrees sixteen minutes (90 16') a distance of ten (10) feet to a point on the east line of said Buffalo and Susquehanna Railroad; thence north along the said east line of the Buffalo and Susquehanna right-of-way to the north line of Lot 51, Township 9, Range 7, of the Holland Land Company's Survey; thence west along the said north line of Lot 51, a distance of sixty-six (66) feet to the west line of the Buffalo and Susquehanna Railroad right-of-way; thence south along the said west line of the Buffalo and Susquehanna right-of-way a distance of three hundred seventy-five and four hundredths (375.04) feet to the south line of lands conveyed to the Village of Blasdell by Deed recorded in the Erie County Clerk's Office in Liber 991 of Deeds at page 285; thence westerly along the south line of said lands conveyed to the Village of Blasdell a distance of four hundred twenty-four and seventy-five hundredths (424.75) 14 feet to a point; thence southerly and parallel with the east line of South Park Avenue a distance of one hundred fifty (150) feet to a point; thence westerly at an angle of ninety degrees (90) with the last mentioned line a distance of one hundred seventy-five (175) feet to the east line of South Park Avenue; thence southerly along the east line of South Park Avenue, a distance of five hundred seventy-eight and four tenths (578.04) feet; thence easterly along a line parallel with the south line property conveyed to David M. Hannah and Gerard A. Braun by Deed recorded in the Erie County Clerk's Office in Liber 6252 at page 630, extended and seven (7) feet northerly therefrom a distance of one hundred seventy-five (175) feet; thence southerly at an exterior angle of ninety degrees fifty-seven minutes two seconds (90 57'02") a distance of seven (7) feet; thence easterly at an interior angle of ninety degrees fifty-seven minutes two seconds (90

57'02"), a distance of twelve (12) feet; thence southerly parallel with the east line of South Park Avenue and a distance one hundred eighty-seven (187) feet easterly therefrom a distance of one hundred eighty-six and thirty-five hundredths (186.35) feet to the north line of the Village of Hamburg as extended December 17, 1917; thence west one hundred eighty-seven (187) feet to the east line of South Park also known as Buffalo Street; thence south on the east line of Buffalo Street, one hundred fifty and seventeen hundredths (150.17) feet; thence westerly along the northerly line of Maplewood Subdivision extended easterly a distance of thirty-three (33) feet to a point on the center line of South Park Avenue; thence northerly along the said center line of South Park Avenue three hundred eleven and seventy-four hundredths (311.74) feet to a point; thence westerly to a point two hundred sixty-two and twenty-five hundredths (262.25) feet west of the center of South Park Avenue and one hundred twenty-four and ninety-one hundredths (124.91) feet north of the north line of Legion Drive; thence southerly one hundred fifty-seven and ninety-one hundredths (157.91) feet to a point in the center line of Legion Drive and two hundred twenty-five (225) feet west of the west line of South Park Avenue; thence easterly along the center line of Legion Drive to a point two hundred eight (208) feet west of the center line of South Park Avenue; thence southerly and parallel with said center line of South Park Avenue a distance of thirty-three (33) feet to the southerly line of Legion Drive; thence westerly along the southerly line of Legion Drive a distance of five hundred twenty-five and eighty-four hundredths (525.84) feet to the intersection of the said southerly line of Legion Drive with the northwesterly line of Division Street; thence northeasterly along the northwesterly line of Division Street extended and along the northwesterly line of Division Street a distance of one hundred thirty-eight and six tenths (138.6) feet to a point; thence northerly along the west line of Division Street seven hundred seventy-eight and six tenths (778.6) feet to a point; thence east fifty (50) feet to the point of intersection of the north line of Norway Place and the east line of Division Street; thence northerly along a line parallel with and five hundred forty (540) feet west of the east line of Lot 4, Township 9, Range 8, a distance one hundred eighty-three (183) feet to the south line of Lot 4, Township 9, Range 8, thence east five hundred forty (540) feet to the southeast corner of Lot 4; thence north along the east line of Lot 4, said east line also being the center line of South Park Avenue, a distance of three hundred (300) feet to a point on the east line of Lot 4, thence west five hundred f o r t y (540) feet to the east line of Division Street, thence north along a line parallel with five hundred forty (540) feet west of the east line of Lot 4, a distance of three hundred (300) feet to a point; thence westerly along a line parallel with and six hundred (600) feet north of the south line of the said Lot 4, Township 9, Range 8, a distance of one thousand one hundred forty-three (1,143) feet to a point on the west line of lands conveyed to the County of Erie by Deed recorded in the Erie County Clerk's Office in Liber 2295 of Deeds at page 321; thence southerly along the said west line of lands conveyed t o the County of Erie, a distance of six hundred (600) feet to a point on the south line of Lot 4, Township 9, Range 8; thence easterly along the said south line of Lot 4, Township 9, Range 8, a distance of thirteen (13) feet to the place of beginning.

Section 3. There will be no additional capital costs incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Section 4. This resolution is subject to permissive referendum and the Clerk of the Legislature is hereby authorized and directed to publish in full, within ten days after the adoption hereof, a Notice containing a true copy of this resolution, the resolution number, the date of adoption and a statement that such resolution is subject to permissive referendum.

(4-0) Legislator Chase absent.

3. Item Page -2004 (Comm. 23E-24)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 14H to Visone Construction, Inc. for the Erie County Sewer District No. 3 Milestrip Road Sanitary Sewer Modification; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 14H in the final contract amount of \$75,599.54 which includes Change Order No. 1 (final), a decrease of \$9,520.46, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 14 H between the County of Erie and Visone Construction, Inc. 79 Sheldon Avenue, Depew, NY 14043 is accepted in the amount of \$75,599.54, which includes Change Order No. 1(final), a decrease of \$9,520.46, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 14H in Erie County Sewer District No. 3 Operating Fund 220.183.506.200 (220.853.830.823) between the County of Erie and Visone Construction, Inc. in the amount of \$75,599.54, release of retention and cancel the remaining balance; and be it further

RESOLVED, that one (1) certified copy of this resolution be sent to Joel A. Giambra, County Executive, and two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; and one (1) certified copy to Gregory J. Dudek, Assistant County Attorney; Nancy Naples, Erie County Comptroller; and Joseph Passafiume, Director, Budget, Management and Finance.
(4-0) Legislator Chase absent.

4. Item Page -2004 (Comm. 23E-27)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded the Oxygen Generation System Replacement Contract to Praxair, Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of the Oxygen Generation System Replacement Contract in the final contract amount of \$1,113,053.73, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that the Oxygen Generation System Replacement Contract between the County of Erie and Praxair, Inc., 175 East Park Drive, Tonawanda, New York 14151 is accepted in the amount of \$1,113,053.73, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize the Oxygen Generation System Replacement Contract between the County of Erie and Praxair, Inc. in the amount of \$1,113,053.73 and release all retention and make final payment from Erie County Sewer District No. 3, Southtowns Improvements, Bond Account C.00038 (430-915); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.

(4-0) Legislator Chase absent.

5. Item Page -2004 (Comm. 25E-22)

COUNTY EXECUTIVE

WHEREAS, the Western Chapter, New York State Horse Council is applying to the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) for a grant under the Recreational Trails Program for a trail project to be located in the Hunters Creek Park and Emery Park sites located within the territorial jurisdiction of the Erie County Legislature; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located”,

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of Erie County hereby does approve and endorse the application of the Western Chapter, New York State Horse Council for a grant under the Recreational Trails Program for a trail project known as Trail Signage and Public Education Material – Hunters Creek Park and Emery Park, Erie County Park System, and located within the County of Erie; and be it further

RESOLVED, that should the Western Chapter, New York State Horse Council be unable to do so, said property shall be maintained by the County of Erie consistent with the rules promulgated by the New York State Office of Parks, Recreation, and Historic Preservation; and be if further

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Director of the Division of Budget, Management and Finance; the Commissioner of the Department of Parks, Recreation and Forestry; and the County Comptroller.

(4-0) Legislator Chase absent.

6. Item Page -2004 (Comm. 25E-31)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 27SA to Allstate Power Vac, Inc. for the Erie County Sewer District No. 1 Clinton Trunk and Related Areas Sewer Rehabilitation; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 27SA in the final contract amount of \$468,287.85 which includes Change Order No. 1 (final), a decrease of \$89,562.15, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 27SA between the County of Erie and Allstate Power Vac, Inc. 928 E. Hazelwood Lane, Rahway, NJ 07065 is accepted in the amount of \$468,287.85 which includes Change Order No. 1(final), a decrease of \$89,562.15 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 27SA between the County of Erie and Allstate Power Vac, Inc. in Bond Account C.00032.1 (430-694) in the amount of \$468,287.85 and the release of retention; and be it further

RESOLVED, that one (1) certified copy of this resolution be sent to Joel A. Giambra, County Executive, and two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; and one (1) certified copy to Gregory J. Dudek, Assistant County Attorney; Nancy Naples, Erie County Comptroller; and Joseph Passafiume, Director, Budget, Management and Finance.

(4-0) Legislator Chase absent.

7. Item Page -2004 (Comm. 25E-32)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide Construction Inspection Services on various projects throughout the County Sewer Districts and the Southtowns Sewage Treatment Agency service area; and

WHEREAS, the Department of Environment and Planning has recommended the firms of Donald Gallo Inc., 589 Delaware Avenue, Buffalo, New York, 14202 and Greenman-Pedersen, Inc., 4950 Genesee Street, Buffalo, New York, 14225;

NOW, THEREFORE BE IT

RESOLVED, that the engineering firm of Donald Gallo, Consulting Engineer, P.C. and Greenman-Pedersen, Inc., be retained at a cost not to exceed \$200,000.00 each; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of Donald Gallo, Consulting Engineer, P.C., 589 Delaware Avenue, Buffalo, New York 14202 and Greenman-Pedersen, Inc., 4950 Genesee Street, Buffalo, New York 14225, to provide the needed Engineering Construction Inspection Services subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the County Comptroller be authorized to allocate \$200,000.00 for each agreement from the various Erie County Sewer District Capital Accounts and/or Sewer Operating Fund Balances as determined by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the following Sewer Capital Accounts and Sewer Operating Accounts be used as needed and as determined to be necessary by the Commissioner of Environment and Planning:

		<u>Bond Account</u>
<u>Description</u>		
<u>SEWER CAPITAL ACCOUNTS:</u>		
ECSD #1	Increase & Improvement of Facilities	C.00057
ECSD #1	Increase & Improvement of Facilities (1994)	C.00032
ECSD #1	Increase & Improvement of Facilities	**
ECSD #2	Increase & Improvement of Facilities (1992)	C.00028
ECSD #2	Increase & Improvement of Facilities (1998)	C.00036
ECSD #2	Increase & Improvement of Facilities (1998)	C.00002
ECSD #2	A.P.B.I. Southwestern Interceptor	C.00004
ECSD #2	Increase & Improvement of Facilities	C.00011
ECSD #2	Increase & Improvement of Facilities	C.00013
ECSD #2	Increase & Improvement of Facilities	**
ECSD #3	Boston Valley Extension	C.00019
ECSD #3	Southtowns Increased Improvements (1997)	C.00038
ECSD #3	A.P.B.I. Greenmeadow SW P.S. Improvements	C.00003
ECSD #3	Increase & Improvement of Facilities (1998)	C.00039
ECSD #3	Southtowns Expansion	C.00010
ECSD #3	Increase & Improvement of Facilities	C.00012
ECSD #3	Increase & Improvement of Facilities	C.00014
ECSD #3	Southtowns Increase Improvements	C.00015

ECSD #3	Increase & Improvement of Facilities	**
ECSD #4	Increase & Improvement of Facilities (1994)	C.00031
ECSD #4	Increase & Improvement of Facilities	C.00030
ECSD #4	Increase & Improvement of Facilities (1994)	**
ECSD #5	Increased Facilities	C.00056
ECSD #5	Increased Improvements (1996)	C.00035
ECSD #5	Sisters of St. Joseph	C.00009
ECSD #5	A.P.B.I. Spaulding Lake	C.00020
ECSD #5	Increase & Improvement of Facilities	**
ECSD #6	Increase & Improvement of Facilities (1995)	C.00037
ECSD #6	Increase & Improvement of Facilities (1995)	C.00001
ECSD #6	Increase & Improvement of Facilities	**

All future bond accounts which may be approved during the three (3) year term of the engineering agreement.

** To Be Assigned

SEWER OPERATING ACCOUNTS:

ECSD #s 1-4-5	220 181 516 020
ECSD #2	220 182 516 020
ECSD #3/Southtowns	220 183 516 020
ECSD #6	220 186 516 020

and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management, be required to notify the Legislature of each project assigned to an Engineering Firm under this resolution; and be further

RESOLVED, that one (1) certified copy of this resolution be sent to Joel A. Giambra, County Executive; and two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning; and one (1) certified copy to Gregory J. Dudek, Assistant County Attorney; Nancy Naples, Erie County Comptroller; and Joseph Passafiume, Director, Budget, Management and Finance.
(4-0) Legislator Chase absent.

AS AMENDED
(Comm. 25E-35)

8. Item Page -2004

COUNTY EXECUTIVE

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5 & 6 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2005 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized and directed to spread said 2005 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, & 6 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 497,710.14
Sewer District #2	\$ 150,776.38
Sewer District #3	\$ 637,572.80
Sewer District #4	\$ 386,134.89
Sewer District #5	\$ 197,775.00
Sewer District #6	<u>\$1,149,179.85</u>
	\$3,019,149.06

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner; Nancy Naples, Erie County Comptroller; Joseph Maciejewski, Deputy Commissioner, Real Property; Gregory Dudek, Assistant County Attorney and Joseph Passafiume, Director of Budget, Management and Finance.

(4-0) Legislator Chase absent.

9. Item Page -2004 (Comm. 25D-19)

DEP

RESOLUTION NO. _____-2004

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 4 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2004.

(Adopted) _____, 2004.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 4 of the County of Erie, New York, has heretofore been established and created on February 22, 1961 (the "District") to provide sewer services to the Villages of Depew and Lancaster and the Towns of Lancaster, West Seneca, Alden and Cheektowaga; and

WHEREAS, the Board of Managers of Erie County Sewer District No. 4 has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of

Managers of Erie County Sewer District No. 4 on September 15, 2004 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the reconstruction and/or replacement of approximately 7,765 linear feet of sewer, the installation of new Didion and Brunck Road sanitary sewers, the upgrading and/or replacement of pumping stations, and the reconstruction of the overflow retention facility, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,850,000, to be assessed against a benefited area which consists of the entire area of the District, as well as the contracting communities including Erie County Sewer District No. 1, West Seneca District No. 6, Cheektowaga Sewer District No. 3, and Lancaster town sewer districts, all in accordance with their respective proportionate shares of equalized assessed value in the District; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$4.07 for the District, except that those portions of the District located in the Town of Lancaster outside of any village is \$9.67; and

WHEREAS, said County Legislature duly adopted Resolution 446 on October 21, 2004, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on December 2, 2004, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 4, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$4,850,000.

Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$4,850,000, to be assessed against a benefited area which consists of the entire area of the District, as well as the contracting communities including Erie County Sewer District No. 1, West Seneca District No. 6, Cheektowaga Sewer District No. 3, and Lancaster town sewer districts, all in accordance with their respective proportionate shares of equalized assessed value in the District.

Section 3. This resolution shall take effect immediately.

(4-0) Legislator Chase absent.

10. Item Page -2004 (Comm. 30E-37)

COUNTY EXECUTIVE

WHEREAS, the Legislature awarded an engineering contract to URS Corporation then known as URS Greiner, Woodward Clyde Group Consultants, Inc., for a study on consolidation and elimination of small sewage treatment plants in the Spaulding Lakes area of Clarence on March 18, 1999, COMM 25E-30; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services have been completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the engineering agreement with URS Corporation dated March 18, 1999 in the amount of \$29,763.88, the release of all retention and cancellation of any remaining balances.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated March 18, 1999 between the Erie County Sewer District No. 5 and URS Corporation, then known as URS Greiner, Woodward Clyde Group Consultants, Inc., be formally closed-out in the final amount of \$29,763.88 and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to release all retention and cancel any remaining encumbrances related to the March 18, 1999 engineering agreement, Bond Account C.00035 (430-798) between Erie County and URS Corporation; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning; and one (1) certified copy each to Joseph Passafiume, Director of Budget and Management; Nancy Naples, Erie County Comptroller's Office and Gregory Dudek, Assistant County Attorney.

(4-0) Legislator Chase absent.

11. Item Page -2005 (Comm. 1E-13)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Stearns & Wheler, LLC, to provide engineering services, and

WHEREAS, the Erie County Department: of Environment and Planning, Division of Sewerage Management has advised the Legislature that all engineering services are now complete, and

WHEREAS, the Erie County Department: of Environment and Planning, Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with Stearns & Wheler, LLC dated September 11, 1996 at the final contract amount of \$314,387.77.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated September 11, 1996 between the County of Erie/Erie County Sewer District No. 2 and Stearns & Wheler, LLC be formally closed-out in the final contract amount of \$314,387.77, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to formally close-out the Engineering Agreement and cancel all remaining balances between the County of Erie/Erie County Sewer District No. 2 and Stearns & Wheler, LLC dated September 11, 1996, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.

(4-0) Legislator Chase absent.

12. Item Page -2005 (Comm. 1E-14)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 58EV/H to Sicar, Inc. for the Erie County Sewer District No. 2 Sanitary Sewer Rehabilitation Project; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 58EV/H in the final contract amount of \$670,001.80 which includes Change Order No. 2(final), a decrease of \$69,936.10, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 58EV/H between the County of Erie and Sicar, Inc., 1128 Jamison Road, Elma, New York 14059 is accepted in the amount of \$670,001.80, which includes

Change Order No. 2(final), a decrease of \$69,936.10, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 58EV/H between the County of Erie and Sicar, Inc. in the amount of \$670,001.80 and release all retention and make final payment from Erie County Sewer District No. 2 Bond Account C.00011 (430-340); and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; one certified copy to John S. Rizzo, Deputy Comptroller, Erie County Comptroller's Office; one certified copy to Gregory Dudek, Assistant County Attorney and two (2) certified copies to Charles J. Alessi, P.E., Department of Environment and Planning.

(4-0) Legislator Chase absent.

13. Item Page -2005 (Comm. 2E-9)

COUNTY EXECUTIVE

WHEREAS, Erie County, through the Department of Environment and Planning, serves as the administrative agent for the Erie County/Town of West Seneca Community Development Block Grant Consortium and Erie County/Town of West Seneca/Town of Hamburg HOME Investment Partnership Consortium; and

WHEREAS, a major responsibility of the Department as the administrative agent, is the submittal to the federal Department of Housing and Urban Development annual grant and' program application materials,

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive, on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie: County HOME Consortium, is hereby authorized to submit a Year 2005-09 Consolidated Plan and accompanying 2005 Annual Action Plan to the federal Department of Housing and Urban Development (HUD) having 2005 Action Plan dollar amounts as indicated.

1. Erie County Consortium Community Development Block Grant Program:	\$3,566,676
2. Emergency Shelter Grant Program:	\$ 124,203
3. HOME Investment Partnership Program:	\$1,192,485
4. American Dream Downpayment Initiative:	\$ 42,263
5. Town of Hamburg Community Development Block Grant Program:	\$ 505,273

and be it further

RESOLVED, that the County Executive on behalf of the Erie County Community Development Block Grant Consortium and Town of Hamburg/Erie County HOME Consortium is hereby authorized to execute any and all agreements with HUD, local governments, and non-profit agencies, necessary to implement the above programs; and be it further

RESOLVED, that copies of this resolution shall be forwarded to the County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the Director of the Division of Budget, Management, and Finance.
(4-0) Legislator Chase absent.

RAYMOND DUSZA
CHAIRMAN